

SUBCHAPTER II—EMERGENCY CONSERVATION WORK

§§ 585, 586. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Sections, act Mar. 31, 1933, ch. 17, §§1, 2, 46 Stat. 22, 23, provided for employment, in the nature of work relief, in forestation.

§ 587. Repealed. June 19, 1934, ch. 648, title II, § 1, 48 Stat. 1056

Section, act Mar. 31, 1933, ch. 17, § 3, 48 Stat. 23, extended benefits of Federal Employees Compensation Act to employees under this subchapter.

§ 587a. Omitted

CODIFICATION

Section, act June 19, 1934, ch. 648, title II, § 1, 48 Stat. 1056, made the provisions of the Federal Employees Compensation Act applicable to enrollees under this subchapter and became obsolete with the expiration of the other sections of this subchapter.

§§ 588 to 590. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Sections, act Mar. 31, 1933, ch. 17, §§ 4-6, 48 Stat. 23, related to appropriations, loans and duration of authority for the period of employment in forestation.

Act Apr. 8, 1935, ch. 48, § 14, 49 Stat. 119, formerly classified to section 590 of this title, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649.

CHAPTER 3B—SOIL CONSERVATION

Sec.

- 590a. Prevention of soil erosion; surveys and investigations; preventive measures; cooperation with agencies and persons; acquisition of land.
- 590b. Lands on which preventive measures may be taken.
- 590c. Conditions under which benefits of law extended to nongovernment controlled lands.
- 590d. Cooperation of governmental agencies; officers and employees, appointment and compensation; expenditures for personal services and supplies.
- 590e to 590e-2. Repealed or Omitted.
- 590f. Authorization of appropriation.
- 590g. Additional policies and purposes of chapter.
 - (a) Purposes enumerated.
 - (b) to (g) Repealed.
- 590g-1, 590g-2. Omitted.
- 590h. Payments and grants of aid.
 - (a) Repealed.
 - (b) Conservation and environmental assistance.
 - (c) Apportionment of acreage allotments.
 - (d) Conditions affecting payments or grants of aid.
 - (e) Distribution of payments among landlords, tenants, and sharecroppers.
 - (f) Change between landlord and tenants or sharecroppers affecting landlord's payments.
 - (g) Assignment of payments.
- 590h-1 to 590h-3. Omitted or Repealed.
- 590h-4. Conditions for payments of grants.
- 590i. Surveys and investigations; publication of information.
- 590i-1, 590i-2. Omitted.
- 590j. "Agricultural commodity" defined.
- 590k. Availability of funds.
- 590l. Expansion of domestic and foreign markets for agricultural commodities; advances for crop insurance; transfer of funds to corporation.

Sec.

- (a) Market expansion and surplus disposition.
- (b) Advances for premiums.
- 590m. Execution of powers of Secretary by Production and Marketing Administration.
- 590n. Payments reviewable only by Secretary; form of certificate.
- 590o. Authorization of appropriations; distribution of appropriated funds.
- 590p. Limitation on obligations incurred; Great Plains conservation program.
 - (a) General limitation.
 - (b) Contracts with landowners in Great Plains area; purpose; timeliness; land use plans, costs; termination; wheat acreage; authorization of appropriations.
 - (c) 1961 agricultural conservation program.
 - (d) 1962 agricultural conservation program.
 - (e) Changes in cropping systems and land uses; agreements with retired resident landowners; land uses; safeguards; modification of prior agreements; regulations; transfer of funds; authorization of appropriations.
 - (f) Use of Commodity Credit Corporation in producer disbursements.
 - (g) 1963 agricultural conservation program.
 - (h) 1964 and 1965 feed grain crops; acreage diversion program; maximum reserves; authorization of appropriations; regulations; payments in kind; termination or modification of prior agreements.
 - (i) 1966 to 1970 feed grain crops; acreage diversion program; maximum reserves; authorization of appropriations; regulations; payments in kind; termination or modification of prior agreements.
 - (j) Design of resource management system.
 - (k) Collection and maintenance of data.
- 590p-1. Limitation on wetlands drainage assistance to aid wildlife preservation; termination of limitation; redetermination of need for assistance upon change of ownership of lands.
- 590q. Coverage; "State" defined; short title.
- 590q-1. Sale and distribution of supplies, materials, and equipment to other Government agencies; reimbursement.
- 590q-2. Voluntary relinquishment of allotments.
- 590q-3. Critical lands resource conservation program in Great Plains area.
 - (a) Authorization for program.
 - (b) Terms of agreements with owners or operators.
 - (c) Annual adjustment payments.
 - (d) Termination of agreements.
 - (e) Preservation of cropland, crop acreage, and allotment history.
 - (f) Utilization of Federal and non-Federal offices.
 - (g) Program payments.
 - (h) Tenants and sharecroppers.
 - (i) Rules and regulations.
 - (j) Authorization of appropriations; utilization of Commodity Credit Corporation.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 7 sections 624, 1282, 1364, 1385, 1388, 1390, 1392, 2279, 6932, 6962; title 26 section 126.

§ 590a. Prevention of soil erosion; surveys and investigations; preventive measures; cooperation with agencies and persons; acquisition of land

It is recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is authorized, from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this chapter; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this chapter.

(Apr. 27, 1935, ch. 85, § 1, 49 Stat. 163.)

SHORT TITLE

See section 590q of this title.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

Functions of Soil Conservation Service in Department of Agriculture with respect to soil and moisture conservation operations conducted on lands under jurisdiction of Department of the Interior transferred to Department of the Interior, to be administered under direction and supervision of Secretary of the Interior through such agency or agencies in Department of the

Interior as Secretary shall designate, by Reorg. Plan No. IV of 1940, § 6, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1234, set out in the Appendix to Title 5, Government Organization and Employees.

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

POLICY

Declaration of policy to continue the Soil Conservation and Domestic Allotment Act, see section 1282 of Title 7, Agriculture.

CROSS REFERENCES

Finality of payments and loans under this chapter, see section 1385 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590b of this title; title 26 section 126.

§ 590b. Lands on which preventive measures may be taken

The acts authorized in section 590a(1) and (2) of this title may be performed—

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

(Apr. 27, 1935, ch. 85, § 2, 49 Stat. 163.)

§ 590c. Conditions under which benefits of law extended to nongovernment controlled lands

As a condition to the extending of any benefits under this chapter to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this chapter, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

(Apr. 27, 1935, ch. 85, § 3, 49 Stat. 163.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section

3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

§ 590d. Cooperation of governmental agencies; officers and employees, appointment and compensation; expenditures for personal services and supplies

For the purposes of this chapter, the Secretary of Agriculture may—

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, appoint and fix compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from April 27, 1935, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this chapter on a basis to be determined by the Director of the Office of Personnel Management; and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this chapter.

(Apr. 27, 1935, ch. 85, § 4, 49 Stat. 164; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784.)

REFERENCES IN TEXT

The civil-service laws, referred to in par. (2), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The National Industrial Recovery Act, referred to in par. (2), is act June 16, 1933, ch. 90, 48 Stat. 195, as amended, which was classified to sections 401 to 414 of Title 40, Public Buildings, Property, and Works, terminated June 30, 1943, by the provisions of act June 27, 1942, ch. 450, § 1, 56 Stat. 410. For complete classification of this Act to the Code, see Tables.

The Classification Act, as amended, referred to in par. (2), is the Classification Act of 1923 (approved Mar. 4, 1923, ch. 265, 42 Stat. 1488), as amended, which was repealed by section 1202 of the Classification Act of 1949 (approved Oct. 28, 1949, ch. 782, 63 Stat. 972).

CODIFICATION

In par. (2), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Par. (2). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with system activities requiring coordination and approval under this chapter and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

“Director of the Office of Personnel Management” substituted for “Civil Service Commission” and “Commission” in par. (2), pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Transfer of functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

§ 590e. Repealed. Pub. L. 103–354, title II, § 246(f)(1), Oct. 13, 1994, 108 Stat. 3225

Section, act Apr. 27, 1935, ch. 85, § 5, 49 Stat. 164, related to establishment of Soil Conservation Service.

§§ 590e–1, 590e–2. Omitted

CODIFICATION

Sections were omitted in view of the repeal of section 590e of this title which established the Soil Conservation Service.

Section 590e–1, act Sept. 30, 1994, Pub. L. 103–330, title II, 108 Stat. 2449, related to limitations on cost of construction, purchase, or improvement of buildings for Soil Conservation Service.

Section 590e–2, act Sept. 30, 1994, Pub. L. 103–330, title II, 108 Stat. 2450, related to temporary employment of local engineers by Soil Conservation Service.

PRIOR PROVISIONS

Provisions similar to former section 590e–1 of this title were contained in following prior appropriation acts:

Oct. 21, 1993, Pub. L. 103–111, title II, 107 Stat. 1060.
 Aug. 14, 1992, Pub. L. 102–341, title II, 106 Stat. 888.
 Oct. 28, 1991, Pub. L. 102–142, title II, 105 Stat. 892.
 Nov. 5, 1990, Pub. L. 101–506, title II, 104 Stat. 1335.
 Nov. 21, 1989, Pub. L. 101–161, title II, 103 Stat. 971.
 Oct. 1, 1988, Pub. L. 100–460, title II, 102 Stat. 2249.
 Dec. 22, 1987, Pub. L. 100–202, § 101(k) [title II], 101 Stat. 1329–322, 1329–343.

Oct. 18, 1986, Pub. L. 99–500, § 101(a) [title II], 100 Stat. 1783, 1783–18, and Oct. 30, 1986, Pub. L. 99–591, § 101(a) [title II], 100 Stat. 3341, 3341–18.

Dec. 19, 1985, Pub. L. 99-190, §101(a) [H.R. 3037, title II], 99 Stat. 1185.

Oct. 12, 1984, Pub. L. 98-473, title I, §101(a) [H.R. 5743, title II], 98 Stat. 1837.

Nov. 14, 1983, Pub. L. 98-151, §101(d) [H.R. 3223, title II], 97 Stat. 972.

Dec. 18, 1982, Pub. L. 97-370, title II, 96 Stat. 1802.

Dec. 23, 1981, Pub. L. 97-103, title II, 95 Stat. 1480.

Dec. 15, 1980, Pub. L. 96-528, title II, 94 Stat. 3108.

Nov. 9, 1979, Pub. L. 96-108, title II, 93 Stat. 833.

Oct. 11, 1978, Pub. L. 95-448, title II, 92 Stat. 1085.

Aug. 12, 1977, Pub. L. 95-97, title II, 91 Stat. 821.

July 12, 1976, Pub. L. 94-351, title II, 90 Stat. 862.

Oct. 21, 1975, Pub. L. 94-122, title II, 89 Stat. 658.

Dec. 31, 1974, Pub. L. 93-563, title III, 88 Stat. 1837.

Oct. 24, 1973, Pub. L. 93-135, title III, 87 Stat. 484.

Aug. 22, 1972, Pub. L. 92-399, title III, 86 Stat. 606.

Aug. 10, 1971, Pub. L. 92-73, title III, 85 Stat. 195.

Dec. 22, 1970, Pub. L. 91-566, title I, 84 Stat. 1484.

Nov. 26, 1969, Pub. L. 91-127, title I, 83 Stat. 248.

Aug. 8, 1968, Pub. L. 90-463, title I, 82 Stat. 642.

Oct. 24, 1967, Pub. L. 90-113, title I, 81 Stat. 323.

Sept. 7, 1966, Pub. L. 89-556, title I, 80 Stat. 692.

Nov. 2, 1965, Pub. L. 89-316, title I, 79 Stat. 1168.

Sept. 2, 1964, Pub. L. 88-573, title I, 78 Stat. 865.

Dec. 30, 1963, Pub. L. 88-250, title I, 77 Stat. 823.

Oct. 24, 1962, Pub. L. 87-879, title I, 76 Stat. 1206.

July 26, 1961, Pub. L. 87-112, title I, 75 Stat. 229.

June 29, 1960, Pub. L. 86-532, title I, 74 Stat. 234.

July 8, 1959, Pub. L. 86-80, title I, 73 Stat. 169.

June 13, 1958, Pub. L. 85-459, title I, 72 Stat. 190.

Aug. 2, 1957, Pub. L. 85-118, title I, 71 Stat. 335.

June 4, 1956, ch. 355, title I, 70 Stat. 231.

May 23, 1955, ch. 43, title I, 69 Stat. 54.

June 29, 1954, ch. 409, title I, 68 Stat. 310.

July 28, 1953, ch. 251, title I, 67 Stat. 215.

July 5, 1952, ch. 574, title I, 66 Stat. 345.

Aug. 31, 1951, ch. 374, title I, 65 Stat. 236.

Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 668.

June 29, 1949, ch. 280, title I, 63 Stat. 340.

June 19, 1948, ch. 543, 62 Stat. 524.

July 30, 1947, ch. 356, title I, 61 Stat. 523.

June 22, 1946, ch. 445, 60 Stat. 287.

May 5, 1945, ch. 109, 59 Stat. 156.

June 28, 1944, ch. 296, 58 Stat. 451.

July 12, 1943, ch. 215, 57 Stat. 411.

July 22, 1942, ch. 516, 56 Stat. 679.

July 1, 1941, ch. 267, 55 Stat. 421.

June 25, 1940, ch. 421, 54 Stat. 545.

June 30, 1939, ch. 253, 53 Stat. 954.

June 16, 1938, ch. 464, 52 Stat. 725.

June 29, 1937, ch. 404, 50 Stat. 410.

June 4, 1936, ch. 489, title I, 49 Stat. 1436.

Provisions similar to former section 590e-2 of this title were contained in following prior appropriation acts:

Oct. 21, 1993, Pub. L. 103-111, title II, 107 Stat. 1060.

Aug. 14, 1992, Pub. L. 102-341, title II, 106 Stat. 888.

Oct. 28, 1991, Pub. L. 102-142, title II, 105 Stat. 893.

Nov. 5, 1990, Pub. L. 101-506, title II, 104 Stat. 1336.

Nov. 21, 1989, Pub. L. 101-161, title II, 103 Stat. 972.

Oct. 1, 1988, Pub. L. 100-460, title II, 102 Stat. 2249.

Dec. 22, 1987, Pub. L. 100-202, §101(k) [title II], 101 Stat. 1329-322, 1329-343.

Oct. 18, 1986, Pub. L. 99-500, §101(a) [title II], 100 Stat. 1783, 1783-18, and Oct. 30, 1986, Pub. L. 99-591, §101(a) [title II], 100 Stat. 3341, 3341-18.

Dec. 19, 1985, Pub. L. 99-190, §101(a) [H.R. 3037, title II], 99 Stat. 1185.

Oct. 12, 1984, Pub. L. 98-473, title I, §101(a) [H.R. 5743, title II], 98 Stat. 1837.

Nov. 14, 1983, Pub. L. 98-151, §101(d) [H.R. 3223, title II], 97 Stat. 972.

Dec. 18, 1982, Pub. L. 97-370, title II, 96 Stat. 1802.

Dec. 23, 1981, Pub. L. 97-103, title II, 95 Stat. 1481.

Dec. 15, 1980, Pub. L. 96-528, title II, 94 Stat. 3109.

Nov. 9, 1979, Pub. L. 96-108, title II, 93 Stat. 833.

Oct. 11, 1978, Pub. L. 95-448, title II, 92 Stat. 1086.

Aug. 12, 1977, Pub. L. 95-97, title II, 91 Stat. 822.

July 12, 1976, Pub. L. 94-351, title II, 90 Stat. 862.

Oct. 21, 1975, Pub. L. 94-122, title II, 89 Stat. 658.

Dec. 31, 1974, Pub. L. 93-563, title III, 88 Stat. 1837.

Oct. 24, 1973, Pub. L. 93-135, title III, 87 Stat. 485.

Aug. 22, 1972, Pub. L. 92-399, title III, 86 Stat. 606.

Aug. 10, 1971, Pub. L. 92-73, title III, 85 Stat. 195.

Dec. 22, 1970, Pub. L. 91-566, title I, 84 Stat. 1484.

Nov. 26, 1969, Pub. L. 91-127, title I, 83 Stat. 248.

Aug. 8, 1968, Pub. L. 90-463, title I, 82 Stat. 642.

Oct. 24, 1967, Pub. L. 90-113, title I, 81 Stat. 323.

Sept. 7, 1966, Pub. L. 89-556, title I, 80 Stat. 692.

Nov. 2, 1965, Pub. L. 89-316, title I, 79 Stat. 1168.

Sept. 2, 1964, Pub. L. 88-573, title I, 78 Stat. 865.

Dec. 30, 1963, Pub. L. 88-250, title I, 77 Stat. 823.

Oct. 24, 1962, Pub. L. 87-879, title I, 76 Stat. 1206.

July 26, 1961, Pub. L. 87-112, title I, 75 Stat. 229.

June 29, 1960, Pub. L. 86-532, title I, 74 Stat. 235.

July 8, 1959, Pub. L. 86-80, title I, 73 Stat. 170.

June 13, 1958, Pub. L. 85-459, title I, 72 Stat. 191.

Aug. 2, 1957, Pub. L. 85-118, title I, 71 Stat. 335.

June 4, 1956, ch. 355, title I, 70 Stat. 232.

May 23, 1955, ch. 43, title I, 69 Stat. 54.

June 29, 1954, ch. 409, title I, 68 Stat. 310.

July 28, 1953, ch. 251, title I, 67 Stat. 215.

July 5, 1952, ch. 574, title I, 66 Stat. 346.

§ 590f. Authorization of appropriation

There are authorized to be appropriated for the purposes of this chapter such sums as Congress may from time to time determine to be necessary.

Appropriations for carrying out this chapter allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years.

(Apr. 27, 1935, ch. 85, §6, 49 Stat. 164; Sept. 21, 1944, ch. 412, title III, §302(a), 58 Stat. 738.)

AMENDMENTS

1944—Act Sept. 21, 1944, inserted second par.

§ 590g. Additional policies and purposes of chapter

(a) Purposes enumerated

It is hereby declared to be the policy of this chapter also to secure, and the purposes of this chapter shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; (5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909–July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio; (6) prevention and abatement of agricultural-related pollution,¹ and (7) the promotion of energy and water conservation

¹ So in original. The comma probably should be a semicolon.

through dry land farming. The powers conferred under this section and sections 590h, 590i, and 590j to 590n of this title shall be used to assist voluntary action calculated to effectuate the purposes specified in this section. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

(b) to (g) Repealed. Pub. L. 87-703, title I, § 101(1), Sept. 27, 1962, 76 Stat. 605

(Apr. 27, 1935, ch. 85, § 7, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1148; amended June 28, 1937, ch. 395, § 1, 50 Stat. 329; Sept. 27, 1962, Pub. L. 87-703, title I, § 101(1), 76 Stat. 605; Aug. 30, 1972, Pub. L. 92-419, title VI, § 606(1), 86 Stat. 676; Dec. 23, 1985, Pub. L. 99-198, title XII, § 1253, 99 Stat. 1517.)

AMENDMENTS

1985—Subsec. (a)(7). Pub. L. 99-198 added cl. (7).

1972—Subsec. (a)(6). Pub. L. 92-419 added cl. (6).

1962—Subsecs. (b) to (g). Pub. L. 87-703 repealed subsecs. (b) to (g) which provided for State plans as follows: subsec. (b), cooperation with States by making grants; subsec. (c), State plans; subsec. (d), conditions of plans; subsec. (e), approval of plans; subsec. (f), allocation of funds; and subsec. (g), apportionment of funds.

1937—Subsec. (g). Act June 28, 1937, substituted “any such apportionment of funds available for carrying out State plans during any year prior to 1942 may be made at any time prior to or during the year to which such plans relate” for “apportionments of funds available for carrying out the purposes specified in this section for the year 1936 may be made at any time during 1936, and apportionments for 1937 may be made at any time during 1937”.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Emergency farm acreage allotment, see note set out under sections 1334, 1344, and 1358 of Title 7.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h, 590h-4, 590i, 590f, 590m, 590n, 590o, 590p, 1501 of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§§ 590g-1, 590g-2. Omitted

CODIFICATION

Section 590g-1, acts July 5, 1952, ch. 574, title I, 66 Stat. 347; July 28, 1953, ch. 251, title I, 67 Stat. 216, which related to allocations to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, was apparently restricted to the appropriation acts of which in each case it was a part.

Section 590g-2, act July 5, 1952, ch. 574, title I, 66 Stat. 347, which related to allocations for State agricultural conservation programs to be utilized in determining the most needed conservation practices on individual farms, was apparently restricted to the appropriation act of which it was a part.

§ 590h. Payments and grants of aid

(a) Repealed. Pub. L. 87-703, title I, § 101(2), Sept. 27, 1962, 76 Stat. 605

(b) Conservation and environmental assistance

(1) The Secretary is authorized to carry out the policy and purposes specified in section 590g(a) of this title by providing financial assistance to agricultural producers for carrying out enduring conservation (including energy conservation) and environmental enhancement measures. Eligibility for financial assistance shall be based upon the existence of a conservation or environmental problem which reduces the productive capacity of the Nation's land and water resources or causes degradation of environmental quality.

(2) The Secretary may provide financial assistance to agricultural producers for the purpose of encouraging energy conservation by sharing the costs of and providing technical assistance for (1) the establishment, restoration, and better use of shelter belts to conserve energy on farmsteads and feed lots, (2) the establishment and use of minimum tillage systems, (3) the efficient storage and application of manure and other suitable wastes to the land for land fertility and soil improvement, (4) the use of integrated pest management, (5) the use of energy-efficient irrigation water management, and (6) such other land, water, and related resource management practices as the Secretary may determine to have significant energy-conserving effects.

(3) The amount of financial assistance to be provided shall be that portion of the cost of installing conservation and environmental enhancement measures which the Secretary determines is necessary. In determining the level of payment, consideration will be given to (A) the amount of expected conservation or environmental benefit accruing to society, (B) the total cost of carrying out the needed measures, (C) the degree to which appropriate conservation or pollution abatement practices will be applied in the absence of financial assistance, and (D) in order to avoid duplication of assistance, the degree to which the agricultural producer benefits from other public programs for conservation and environmental enhancement.

(4) The Secretary, in formulating the national program, shall take into consideration (A) the need to control erosion and sedimentation from agricultural land and to conserve the water resources on such land, (B) the need to control

pollution from animal wastes, (C) the need to facilitate sound resources management systems through soil and water conservation, (D) the need to encourage voluntary compliance by agricultural producers with Federal and State requirements to solve point and nonpoint sources of pollution, (E) national priorities reflected in the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and other congressional and administrative actions, (F) the degree to which the measures contribute to the national objective of assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy, and (G) the type of conservation measures needed to improve water quality in rural America.

(5) STATE, COUNTY, AND AREA COMMITTEES.—

(A) APPOINTMENT OF STATE COMMITTEES.—The Secretary shall appoint in each State a State committee composed of not fewer than 3 nor more than 5 members who are fairly representative of the farmers in the State. The members of a State committee shall serve at the pleasure of the Secretary for such term as the Secretary may establish.

(B) ESTABLISHMENT OF COUNTY, AREA, OR LOCAL COMMITTEES.—(i) In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

(ii) Any such committee shall consist of not fewer than 3 nor more than 5 members who are fairly representative of the agricultural producers in the county or area and who shall be elected by the agricultural producers in such county or area under such procedures as the Secretary may prescribe.

(iii) The Secretary may designate local administrative areas within the county or larger area covered by a committee established under clause (i). Only agricultural producers within a local administrative area who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area, under such regulations as the Secretary may prescribe.

(iv) The Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1))).

(v) Members of each county, area, or local committee shall serve for terms not to exceed 3 years.

(C) TERMINATION OR COMBINATION OF COMMITTEES.—The Secretary may not terminate a county or area committee or combine or consolidate two or more county or area committees unless—

(i) the Secretary first notifies the committee or committees involved of the proposed action; and

(ii) the State committee of the State in which the affected counties are located approves of such action in a vote taken after the end of the 60-day period beginning on the date the notification is received.

(D) USE OF COMMITTEES.—The Secretary shall use the services of such committees in

carrying out programs under this section and the agricultural credit programs under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and in considering administrative appeals as provided by section 6932(d) of title 7. The Secretary may use the services of such committees in carrying out programs under other authorities administered by the Secretary.

(E) REGULATIONS.—The Secretary shall issue such regulations as the Secretary considers necessary relating to the selection and exercise of the functions of the respective committees, and to the administration through such committees of the programs described in subparagraph (D). Pursuant to such regulations, each county and area committee shall select an executive director for the area or county. Such selection shall be made in the same manner as provided for the selection of the county executive director under section 7.21(b)(2) of title 7, Code of Federal Regulations, as in effect on January 1, 1994. Regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, whenever practicable, they shall be classified on the following two bases:

- (i) Soil-depleting practices.
- (ii) Soil-building practices.

(F) MANDATORY DUTIES OF SECRETARY.—In carrying out this section, the Secretary shall—

(i) insofar as practicable, protect the interests of tenants and sharecroppers;

(ii) accord such encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in Federal laws and as will tend to promote efficient methods of marketing and distribution;

(iii) in every practicable manner, protect the interests of small producers; and

(iv) in every practical way, encourage and provide for soil-conserving and soil-rebuilding practices.

(G) DISCRETIONARY AUTHORITIES OF SECRETARY.—In carrying out this section, the Secretary may use other approved agencies.

(H) LIMITATIONS.—In carrying out this section, the Secretary shall not have the authority to acquire any land or any right or interest in land.

(6) Notwithstanding any other provision of law, in making available conservation materials consisting of seeds, seed inoculants, fertilizers, liming and other soil-conditioning materials, trees, or plants, or in making available soil-conserving and soil-building services or pollution prevention or abatement aids, to agricultural producers under this subsection, the Secretary may make payments, in advance of determination of performance by the producers, to persons who will purchase orders covering approved conservation materials or covering soil-conserving or soil-building services or pollution prevention or abatement aids, furnished to producers, or who render services to the Secretary in delivering to producers approved conservation materials, for the carrying out, by the producers, of

soil-building or soil-conserving practices or pollution prevention or abatement practices approved by the Secretary. The price at which purchase orders for any conservation materials or services are filled may be limited to a fair price fixed in accordance with regulations prescribed by the Secretary.

(7) Appropriations are authorized for the purchase in advance of the program year for which the appropriation is made of seeds, fertilizers, lime, trees, or any other farming materials or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary in programs under this chapter; for the reimbursement of any Federal, State, or local government agency for fertilizers, seeds, lime, trees, or other farming materials, or any soil-terracing services, furnished by such agency; and for the payment of all expenses necessary in making such grants, including all or part of the costs incident to the delivery thereof.

(8) In carrying out the purposes of subsection (a) of section 590g of this title, the Secretary may enter into agreements with agricultural producers for periods not to exceed ten years, on such terms and conditions as the Secretary deems desirable, creating obligations in advance of appropriations not to exceed such amounts as may be specified in annual appropriation Acts. Such agreements (i) shall be based on conservation plans approved by the soil and water conservation district or districts in which the lands described in the agreements are situated, and (ii) may be modified or terminated by mutual consent if the Secretary determines such action would be in the public interest. The Secretary also may terminate agreements if he determines such action to be in the national interest and provides public notice in ample time to give producers a reasonable opportunity to make arrangements for appropriate changes in the use of their land.

(c) Apportionment of acreage allotments

(1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the production of the commodity during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. Notwithstanding any other provision of this section, the allot-

ments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States. The allotments so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acreage, type of soil, topography, and crop rotation practices.

(4) Repealed. Apr. 10, 1939, ch. 48, 53 Stat. 573.

(5) In determining normal yield per acre for any county under this section in the case of wheat or corn, the normal yield shall be the average yield per acre therein for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based.

(6) In determining normal yield per acre for any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

(d) Conditions affecting payments or grants of aid

Any payment or grant of aid made under subsection (b) of this section shall be conditioned upon the utilization of the land, with respect to which such payment is made, in conformity with farming practices which the Secretary finds tend to effectuate any one or more of the

purposes specified in clauses (1), (2), (3), (4), (5), or (6) of section 590g(a) of this title.

Any payment made under subsection (b) of this section with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on an acreage equal to the land normally used for the production of soil-depleting crops but, as a condition of such payment, not permitted to be so used, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph; and no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph. Whenever the Secretary finds that by reason of drought, flood, or other disaster, a shortage of feed exists in any area, he shall so declare, and to the extent and for the period he finds necessary to relieve such shortage, the operation of the condition provided in this paragraph shall be suspended in such area and, if necessary to relieve such shortage, in other areas defined by him. As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm; or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this chapter, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases, he shall, as soon as practicable, make such provisions in the administration of this chapter, with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

(e) Distribution of payments among landlords, tenants, and sharecroppers

Payments made by the Secretary under subsection (b) of this section to agricultural producers shall be divided among landlords, tenants, and sharecroppers in proportion to the extent such landlords, tenants, and sharecroppers contribute to the cost of carrying out the conservation or environmental enhancement measures. The maximum payment which may be made to any person shall be determined by the Secretary.

Persons who carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who comply with the terms and conditions of the conservation program, formulated pursuant to this section, and sections 590g, 590i, and 590j to 590q of this title, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers. Persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining privately owned lands of such persons and who maintain and use such Federal land under agreement with the Federal agency having jurisdiction thereof and who comply with the terms and conditions of the agricultural conservation program formulated pursuant to this section, and sections 590g, 590i, and 590j to 590q of this title, shall be entitled to apply for and receive payments under such program to the same extent as other producers.

(f) Change between landlord and tenants or sharecroppers affecting landlord's payments

Any change in the relationship between the landlord and the tenants or sharecroppers, with respect to any farm, that would increase over the previous year the amount of payments or grants of other aid under subsection (b) of this section that would otherwise be made to any landlord shall not operate to increase such payment or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding three years that would increase the payments or grants of other aid under such subsection that would otherwise be made to the landlord shall not hereafter operate to increase any such payment or grant to such landlord. Such limitations shall not apply if on investigation the local committee finds that the change is justified and approves such change in relationship or reduction. Such action of local committees shall be subject to approval or disapproval by State committees.

(g) Assignment of payments

A payment that may be made to a producer under this section may be assigned only in accordance with regulations issued by the Secretary. This subsection shall not authorize any suit against or impose any liability on the Secretary, any disbursing agent, or any agency of the United States if payment is made to the producer without regard to the existence of any such assignment.

(Apr. 27, 1935, ch. 85, §8, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1149; amended June 28, 1937,

ch. 395, §1, 50 Stat. 329; Feb. 16, 1938, ch. 30, title I, §§101, 102, 103, 52 Stat. 31, 34, 35; Apr. 7, 1938, ch. 107, §§16-18, 52 Stat. 204, 205; Apr. 10, 1939, ch. 48, 53 Stat. 573; May 14, 1940, ch. 200, 54 Stat. 216; July 2, 1940, ch. 521, §2, 54 Stat. 727; June 21, 1941, ch. 217, 55 Stat. 257; Dec. 26, 1941, ch. 626, §1, 55 Stat. 860; Feb. 6, 1942, ch. 44, §4, 56 Stat. 53; Sept. 29, 1942, ch. 568, 56 Stat. 761; Sept. 21, 1944, ch. 412, title III, §301, 58 Stat. 737; July 25, 1946, ch. 642, 60 Stat. 663; July 3, 1948, ch. 827, title I, §4, 62 Stat. 1250; Sept. 23, 1950, ch. 997, 64 Stat. 978; May 26, 1952, ch. 335, 66 Stat. 95; Aug. 28, 1954, ch. 1041, title V, §501, 68 Stat. 907; Aug. 9, 1955, ch. 624, 69 Stat. 545; Apr. 6, 1956, ch. 186, 70 Stat. 105; July 24, 1956, ch. 668, 70 Stat. 597; July 25, 1958, Pub. L. 85-553, 72 Stat. 414; June 25, 1959, Pub. L. 86-70, §13(a), 73 Stat. 143; July 12, 1960, Pub. L. 86-624, §8(a), 74 Stat. 412; Sept. 27, 1962, Pub. L. 87-703, title I, §101(2), (3), 76 Stat. 605, 606; Aug. 31, 1964, Pub. L. 88-534, §1, 78 Stat. 743; Nov. 2, 1966, Pub. L. 89-742, 80 Stat. 1167; Aug. 30, 1972, Pub. L. 92-419, title VI, §§605, 606(2)-(5), 86 Stat. 676, 677; Sept. 29, 1977, Pub. L. 95-113, title XV, §1501(a), 91 Stat. 1019; June 30, 1980, Pub. L. 96-294, title II, §259, 94 Stat. 709; Dec. 23, 1985, Pub. L. 99-198, title XVII, §§1711(a), 1712, 99 Stat. 1635, 1636; Feb. 28, 1986, Pub. L. 99-253, §3, 100 Stat. 36; Oct. 18, 1986, Pub. L. 99-500, §101(a) [title VI, §645], 100 Stat. 1783, 1783-36, and Oct. 30, 1986, Pub. L. 99-591, §101(a) [title VI, §645], 100 Stat. 3341, 3341-36; Nov. 10, 1986, Pub. L. 99-641, title II, §204, 100 Stat. 3563; Nov. 28, 1990, Pub. L. 101-624, title XI, §1146, 104 Stat. 3516; Dec. 13, 1991, Pub. L. 102-237, title II, §202, 105 Stat. 1848; Oct. 13, 1994, Pub. L. 103-354, title II, §227(a), 108 Stat. 3216.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(4), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (b)(5)(D), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-354 designated first through eighth undesignated pars. as pars. (1) to (8), respectively, added par. (5), and struck out former par. (5) which related to State and local committees.

1991—Subsec. (b). Pub. L. 102-237, in fourteenth sentence of fifth par., inserted before period “, except that, in the case of a person elected to be a national officer or State president of the National Association of Farmer Elected Committeemen, the limitation shall be four consecutive terms”.

1990—Subsec. (g). Pub. L. 101-624 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “A payment which may be made to a farmer under this section, may be assigned, without discount, by him in writing as security for cash or advances to finance making a crop, handling or marketing an agricultural commodity, or performing a conservation practice. Such assignment shall be signed by the farm-

er and witnessed by a member of the county committee or by an employee of such committee, except that where the assignee is a bank whose deposits are insured by the Federal Deposit Insurance Corporation, the Farmers Home Administration, or a production credit association supervised by the Farm Credit Administration, such assignment may be witnessed by a bonded officer of the lending institution. Such assignment shall be filed with the county committee. Such assignment shall not be made to pay or secure any preexisting indebtedness. This provision shall not authorize any suit against or impose any liability upon the Secretary or any disbursing agent if payment to the farmer is made without regard to the existence of any such assignment. The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this subsection.”

1986—Subsec. (b). Pub. L. 99-500, Pub. L. 99-591, Pub. L. 99-641, made substantially identical amendments to fifth par. of subsec. (b), inserting provisions which related to one local administrative area in any county for which there had been established less than three local administrative areas as of Dec. 23, 1985, and striking out “: *Provided*, That the foregoing requirement of this sentence shall not apply to any county that, on December 23, 1985, had less than three local administrative areas” after “committee for that area”.

Pub. L. 99-253, in fifth par., substituted “local committee” for “community committee” and provisions that each local administrative area have one local committee of at least three members elected to three-year terms in a local election to be held every third year, with exception for more than one local committee per administrative area, that only one local administrative area hold an election in any given year, that only farmers who are producers who participate or cooperate in the programs within their area be eligible for nomination and election, with this requirement not applying to any county that, on Dec. 23, 1985, had less than three local administrative areas, and that only farmers who are participating or cooperating producers within an area be eligible to vote in the election in that area, for provisions that farmers within any local administrative area, participating or cooperating in programs administered within such area, elect from among their number a local committee of not more than three members, with each member elected for a three-year term.

1985—Subsec. (b). Pub. L. 99-198, §1712, in first sentence of fifth par., substituted “In carrying out the provisions of this section in the States of the Union, except Alaska, and as otherwise directed by law with respect to other programs and functions, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided; and the Secretary may use the services of such committees in carrying out other programs and functions of the Department of Agriculture” for “In carrying out the provisions of this section in the States of the Union, except Alaska, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided”.

Pub. L. 99-198, §1711(a)(1), in third sentence of fifth par., substituted “There shall be 3 local administrative areas in each county, except that, in counties with less than one hundred and fifty farmers, the county committee selected as hereinafter provided may reduce the number of local administrative areas to one, and except that the Secretary may include more than one county or parts of different counties in a local administrative area when the Secretary determines that there are insufficient farmers in an area to establish a slate of candidates for a community committee and hold an election” for “No such local area shall include more than one county or parts of different counties”.

Pub. L. 99-198, §1711(a)(2), in fourth sentence of fifth par., struck out “annually” after “shall elect”.

Pub. L. 99-198, §1711(a)(3), in fifth par., inserted provisions directing that each member of a local committee be elected for a term of 3 years, that each local com-

mittee meet (A) once each year and shall receive compensation for such meeting by the Secretary at not less than the level in effect on December 31, 1985, and (B) at the direction of the county committee and with the approval of the State committee, such additional times during the year as may be necessary to carry out this section without compensation, and that the meetings of a local committee shall be held on different days of the year.

Pub. L. 99-198, §1711(a)(4), in fifth par., inserted provisions directing that the local committees in each county (A) in a county in which there is more than one local committee, serve as advisors and consultants to the county committee; (B) periodically meet with the county committee and State committee to be informed on farm program issues; (C) communicate with producers within their communities on issues or concerns regarding farm programs; (D) report to the county committee, the State committee, and other interested persons on changes to, or modifications of, farm programs recommended by producers in their communities; and (E) perform such other functions as are required by law or as the Secretary may specify, and that the Secretary ensure that information concerning changes in Federal laws in effect with respect to agricultural programs and the administration of such laws are communicated in a timely manner to local committees in areas that contain agricultural producers who might be affected by such changes.

1980—Subsec. (b). Pub. L. 96-294 added applicability to energy conservation as an area of conservation subject to financial assistance, and provisions setting forth authority for financial assistance to agricultural producers for encouraging energy conservation through cost sharing and technical assistance for shelter belts, etc.

1977—Subsec. (b). Pub. L. 95-113, §1501(a)(1), (2), specified that financial assistance be provided to agricultural producers for carrying out enduring conservation and environmental enhancement measures, that eligibility for financial assistance be determined by the existence of conservation or environmental problems that reduce the productive capacity of the land and water or that cause environmental degradation, that financial assistance be a portion of the cost of the installation of conservation and environmental enhancement measures, that the Secretary of Agriculture be given discretion to set the level of payment based on a number of considerations relating to the level and distribution of benefits and costs accruing from the conservation problem and the applied remedy including the level of expected benefits to society, the total cost of the conservation practice, the degree to which the farmer benefits from other conservation programs, and the degree to which conservation would be applied in the absence of financial assistance, and that the Secretary be required to consider national and local needs and priorities in developing a national cost-share assistance program.

Subsec. (e). Pub. L. 95-113, §1501(a)(3), struck out first three pars. which related to allotment and production adjustment activities and for provisions making small cost-share payments, and substituted a new par. authorizing the Secretary to establish a payment limitation. The first three pars. were deemed by the codifiers to constitute the first par., the flush sentence at the end of the first par., and the second par. to reflect the probable intent of Congress. See pp. 192, 193, 400, 401 of Senate Report 95-180.

1972—Subsec. (b). Pub. L. 92-419, §§605, 606(2), (3), added par. respecting long-term rural environmental protection contracts; included in first sentence reference to cl. (6) of section 590g of this title and in item (2) provided as a measure for amount of payments and grants the treatment or use of the land for the prevention or abatement of agriculture-related pollution; and included in the second paragraph provisions respecting making available pollution prevention or abatement aids and orders covering pollution prevention or abatement aids and carrying out by the producers or pollution prevention or abatement practices, respectfully.

Subsec. (d). Pub. L. 92-419, §606(4), included reference to cl. (6) of section 590g(a) of this title in first par.

Subsec. (e). Pub. L. 92-419, §606(5), inserted in proviso provision for payments based on agriculture-related pollution prevention or abatement practices.

1966—Subsec. (g). Pub. L. 89-742 permitted assignments for handling or marketing an agricultural commodity, or performing a conservation practice, broadened the qualifications as to who may witness the signature of a farmer assigning such payments, and directed the Secretary to promulgate such regulations necessary to carry out the provisions of this subsection.

1964—Subsec. (b). Pub. L. 88-534 provided that members of local committees and not delegates from local areas shall nominate and elect a county committee of three farmers in the county, substituted three year staggered terms of office for county committeemen in place of one year terms, limited committeemen to a maximum of three consecutive terms, and eliminated provisions for the annual election of delegates to a county convention for the election of a county committee.

1962—Subsec. (a). Pub. L. 87-703, §101(2), repealed subsec. (a) which related to duration of authority of Secretary of Agriculture in the operation of a Federal program on a temporary basis.

Subsec. (b). Pub. L. 87-703, §101(3), substituted introductory "The" for "subject to the limitations provided in subsection (a) of this section, the".

1960—Subsec. (b). Pub. L. 86-624 substituted "in the States of the Union, except Alaska" for "in the continental United States, except in Alaska".

1959—Subsec. (b). Pub. L. 86-70 inserted ", except in Alaska" after "continental United States".

1958—Subsec. (a). Pub. L. 85-553 substituted "January 1, 1963" and "December 31, 1962" for "January 1, 1959" and "December 31, 1958", respectively, whenever appearing.

1956—Subsec. (a). Act July 24, 1956, substituted "January 1, 1959" and "December 31, 1958" for "January 1, 1957" and "December 31, 1956", respectively, wherever appearing.

Subsec. (b). Act Apr. 6, 1956, substituted "Clauses" for "In arid or semiarid sections," in second sentence.

1955—Subsec. (e). Act Aug. 9, 1955, authorized payments to persons carrying out conservation practices on federally owned noncropland.

1954—Subsec. (a). Act Aug. 28, 1954, §501(a), (b), substituted "January 1, 1957" and "December 31, 1956" for "January 1, 1955" and "December 31, 1954" wherever appearing, and inserted last two sentences.

Subsec. (b). Act Aug. 28, 1954, §501(c), struck out "at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary" after "furnished to producers" in second par., and inserted last sentence.

1952—Subsec. (a). Act May 26, 1952, substituted "January 1, 1955" for "January 1, 1953" wherever appearing and "December 31, 1954" for "December 31, 1952".

1950—Subsec. (a). Act Sept. 23, 1950, substituted "January 1, 1953" for "January 1, 1951" wherever appearing and "December 31, 1952" for "December 31, 1950".

1948—Subsec. (a). Act July 3, 1948, substituted "January 1, 1951" for "January 1, 1949" wherever appearing and "December 31, 1950" for "December 31, 1948".

1946—Subsec. (a). Act July 25, 1946, substituted "January 1, 1949" for "January 1, 1947" wherever appearing and "December 31, 1948" for "December 31, 1946".

1944—Subsec. (b). Act Sept. 21, 1944, inserted par. beginning "Appropriations are hereby".

Subsec. (e). Act Sept. 21, 1944, inserted par. beginning "Persons who carry".

1942—Subsec. (c)(2). Act Feb. 6, 1942, inserted last two sentences.

Subsec. (e). Act Sept. 29, 1942, amended first sentence.

1941—Subsec. (a). Act Dec. 26, 1941, substituted "January 1, 1947" for "January 1, 1942" wherever appearing and "December 31, 1946" for "December 31, 1941".

Subsec. (b). Act June 21, 1941, inserted par. beginning "Notwithstanding any other provisions of law".

1940—Subsec. (c)(5). Act July 2, 1940, inserted last sentence.

Subsec. (f). Act May 14, 1940, struck out last sentence which provided “Such limitations shall apply only if the county committee finds that the change or reduction is not justified and disapproves such change or reduction” and substituted last two sentences.

1939—Subsec. (c)(4). Act Apr. 10, 1939, repealed par. (4) which provided “Notwithstanding any other provision of this subsection, if, for any reason other than flood or drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 per centum of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 per centum in excess of such planted acreage”.

1938—Subsecs. (b) and (c) amended generally by act Feb. 16, 1938.

Subsec. (c)(5). Act Apr. 7, 1938, substituted “for any county” for “on any farm” in first sentence, and “therein,” for “thereon”.

Subsec. (c)(6). Act Apr. 7, 1938, added par. (6).

Subsecs. (d) to (g). Act Feb. 16, 1938, added subsecs. (d) to (g).

Subsec. (g). Act Apr. 7, 1938, substituted second and third sentences for sentences which provided “Such assignment shall be acknowledged by the farmer before the county agricultural extension agent and filed with such agent. The farmer shall file with such county agricultural extension agent an affidavit stating that the assignment is not made to pay or secure any pre-existing indebtedness.”

1937—Subsec. (a). Act June 28, 1937, substituted “January 1, 1942” for “January 1, 1938” wherever appearing, and “December 31, 1941” for “December 31, 1937”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1711(b)(1) of Pub. L. 99-198 provided that: “The amendments made by this section [amending this section] shall become effective on January 1, 1986, except that the amendments made by clauses (2) and (3) of subsection (a) [amending this section] shall not apply with respect to the term of office of any member of a local committee elected before January 1, 1986.”

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 3 of Pub. L. 88-534 provided that: “Section 1 of this Act [amending this section] shall become effective for elections of committeemen held on or after January 1, 1965.”

EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act July 3, 1948, effective July 3, 1948, see section 6 of act July 3, 1948, set out as a note under section 624 of Title 7, Agriculture.

EFFECTIVE DATE OF 1938 AMENDMENT

Section 105 of act Feb. 16, 1938, as amended by section 1 of act Apr. 7, 1938, provided that the amendments by that act, amending this section, “shall first be effective with respect to farming operations carried out in the calendar year 1938. Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this act. Nothing contained herein

shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938.”

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, transfer to Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

LOCAL COMMITTEE MEMBER ELECTED BEFORE JANUARY 1, 1986; COMPLETION OF UNEXPIRED TERM IN ADMINISTRATIVE AREA OF RESIDENCE

Section 1711(b)(2) of Pub. L. 99-198 provided that: “If the number of local administrative areas and local committees in a county increases as a result of a change in the number of local administrative areas in the county under section 8(b) of the Soil Conservation and Domestic Allotment Act [subsec. (b) of this section] (as amended by subsection (a)(1)), any member of a local committee in such county elected before January 1, 1986, shall serve the unexpired portion of any term commenced before the date of such increase as a member of the local committee for the administrative area in which such member resides.”

CONGRESSIONAL FINDINGS RESPECTING THE AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEE SYSTEM

Pub. L. 97-218, title IV, §401, July 20, 1982, 96 Stat. 216, provided that: “Congress finds that agricultural stabilization and conservation county and community committees have served, and should continue to serve, a vital function in implementing, at the local level, farm commodity, soil conservation, and related programs; and that, by assisting the United States Department of Agriculture to conduct such programs effectively, such committees provide substantial benefits to agriculture and the Nation. Congress further finds that the agricultural stabilization and conservation county and community committee system has developed, over the years, into a highly efficient mechanism for implementing such programs at the local level. Therefore, it is the sense of Congress that the Secretary of Agriculture should ensure that the structure and operations of the agricultural stabilization and conservation county and community committees, as heretofore developed to enable such committees to meet the responsibilities assigned them under section 8(b) of the Soil Conservation and Domestic Allotment Act [subsection (b) of this section], and related statutes and regulations, be preserved and strengthened.”

1970 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Adjustment by the Secretary of Agriculture, effective on the first day of the first pay period which begins on or after Dec. 27, 1969, of the rates of pay of personnel subject to this section with respect to individuals employed by county committees under subsec. (b) of this section, by the amounts of the adjustment for corresponding rates for employees subject to the General Schedule, set out in section 5332 of Title 5, which had been made by section 2 of Pub. L. 91-231 raising such rates by 6 percent, see Pub. L. 91-231, set out as a note under section 5332 of Title 5, Government Organization and Employees.

1967 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 90-206, title II, §210, Dec. 16, 1967, 81 Stat. 633, provided that: “The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title [see section 5332(a) of Title 5, Government Organization and Employees] for corresponding rates of basic pay.”

[Section 210 of Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5.]

1966 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 89-504, title I, §107, July 18, 1966, 80 Stat. 293, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

1965 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 89-301, §10, Oct. 29, 1965, 79 Stat. 1120, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

[Provision effective on first day of first pay period which begins on or after July 1, 1966, see section 109(2) of Pub. L. 89-504.]

1964 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 88-426, title I, §122, Aug. 14, 1964, 78 Stat. 412, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable to the increases provided by section 102 of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1962 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 87-793, title VI, §1002, Oct. 11, 1962, 76 Stat. 865, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by title II of this part [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1960 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 86-568, title I, §115(a), July 1, 1960, 74 Stat. 302, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

"Increases provided by this title", referred to above, means increases provided by title I of Pub. L. 86-568.

TWO COUNTY COMMITTEES FOR CERTAIN COUNTIES IN MINNESOTA AND IOWA

Pub. L. 85-278, Sept. 2, 1957, 71 Stat. 601, provided: "That, notwithstanding the provisions of subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act [subsec. (b) of this section], two county committees shall be elected annually under such subsection for the counties of Otter Tail, Polk, and Saint Louis, in the State of Minnesota, and for the county of Pottawattamie, in the State of Iowa, and that the actions heretofore or hereafter taken by each of such committees shall be given the same effect in the area served by it as is given to the actions of the county committee in a county served by a single county committee."

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Emergency farm acreage allotment, see note set out under sections 1334, 1344, and 1358 of Title 7.

Finality of payments and loans under this chapter, see section 1385 of Title 7.

Utilization of local agencies, see section 1388 of Title 7.

Wheat acreage diverted to haying and grazing on request of State committees established under subsec. (b) of this section, see section 1445b-1(e)(8) of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h-4, 590i, 590m, 590n, 590o, 590p, 590q-3, 1507, 1508, 3416, 3811, 3812, 3821, 3842 of this title; title 5 sections 3502, 5306, 5334, 5595, 6312, 8331, 8332, 8701, 8901; title 7 sections 1301, 1308-4, 1314c, 1358b, 1359a, 1359ff, 1359jj, 1388, 1391, 1392, 1433a, 1433c-1, 1441-2, 1444, 1444-2, 1444f, 1445b-3a, 1446, 1446f, 1446h, 1462, 1471b, 1838, 2272, 2279a, 6912, 6913, 6932, 6962, 6991, 7001; title 12 section 1150a; title 15 section 714b; title 40 App. section 203.

§§ 590h-1, 590h-2. Omitted

CODIFICATION

Section 590h-1, act June 16, 1938, ch. 464, title I, 52 Stat. 746 (the Department of Agriculture Appropriation Act, 1939), which authorized the utilization of certain agencies in administering the naval stores conservation programs and in making payments to gum naval stores producers, was not repeated in subsequent appropriation acts.

Section 590h-2, act July 2, 1940, ch. 521, §9, 54 Stat. 729, which related to correction of certain inequities in agricultural adjustment or conservation payments, was omitted as executed.

§ 590h-3. Repealed. Pub. L. 88-534, §2, Aug. 31, 1964, 78 Stat. 743

Section, act Aug. 28, 1954, ch. 1041, title V, §503, 68 Stat. 908, provided that nothing in section 590h(b) of this title or in any other law, shall be construed to authorize the imposition of limitations upon the number of terms for which members of county committees established under such section may be reelected. See section 590h(b) of this title.

§ 590h-4. Conditions for payments of grants

Payments of grants under sections 590g, 590h, 590i, and 590j to 590q of this title, may be conditioned upon the utilization of land with respect to which such payments or grants are to be made in conformity with farming practices which will encourage and provide for soil-building and soil- and water-conserving practices in the most practical and effective manner and

adapted to conditions in the several States, as determined and approved by the State committees appointed pursuant to section 590h(b) of this title, for the respective States.

(Aug. 3, 1956, ch. 950, §6(b), 70 Stat. 1033.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1956, and not as a part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

§ 590i. Surveys and investigations; publication of information

The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 590g(a) of this title. Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this chapter.

(Apr. 27, 1935, ch. 85, §9, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150; amended June 28, 1937, ch. 395, §2, 50 Stat. 329; Dec. 21, 1982, Pub. L. 97-375, title I, §103(c), 96 Stat. 1819.)

AMENDMENTS

1982—Pub. L. 97-375 struck out requirement that the Secretary transmit to Congress a report on operations under this subchapter, including a statement by classes and amounts of expenditures and obligations, for the fiscal year ending June 30, 1937, and for each fiscal year thereafter.

1937—Act June 28, 1937, inserted last sentence.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§ 590i-1. Omitted

CODIFICATION

Section, act July 22, 1942, ch. 516, 56 Stat. 691 (the Department of Agriculture Appropriation Act, 1943), which related to furnishing photographs, mosaics, and maps required by the Soil Conservation Service, was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

July 1, 1941, ch. 267, 55 Stat. 434.

June 25, 1940, ch. 421, 54 Stat. 560.

June 30, 1939, ch. 253, title I, 53 Stat. 973.

June 16, 1938, ch. 464, title I, 52 Stat. 744.

June 29, 1937, ch. 404, 50 Stat. 429.

§ 590i-2. Omitted

CODIFICATION

Section, act July 2, 1942, ch. 473, 56 Stat. 508 (the Department of the Interior Appropriation Act, 1943),

which related to furnishing photographs, mosaics, and maps required in soil conservation operations of the Department of the Interior, was not repeated in subsequent appropriation acts. Similar provision was contained in prior appropriation act of June 28, 1941, ch. 259, 55 Stat. 306.

§ 590j. "Agricultural commodity" defined

The term "agricultural commodity" as used in this chapter means any such commodity and any regional or market classification, type, or grade thereof.

(Apr. 27, 1935, ch. 85, §10, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§ 590k. Availability of funds

All funds available for carrying out this chapter shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments, or to local public agencies, as the Secretary may request to cooperate or assist in carrying out this chapter, and for payments to committees or associations of producers in any region or regions to cover the estimated administrative expenses to be incurred by any such committee or association in cooperating in carrying out this chapter: *Provided*, That the Secretary may prescribe that all or part of such estimated expenses of any such committee or association may be deducted pro rata from the payments or grants made to the members thereof: *Provided further*, That the Secretary may make such payments in advance of determination of performance: *Provided further*, That the transfer of funds for services of technicians in formulating and carrying out agricultural conservation programs, from allotments for agricultural conservation payments within a State, shall be subject to such limitations and conditions as may be provided in appropriation or other law. Funds so transferred may be placed in a single account for each State.

(Apr. 27, 1935, ch. 85, §11, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150; amended June 24, 1936, ch. 767, 49 Stat. 1915; Aug. 3, 1956, ch. 950, §6(c), 70 Stat. 1033.)

AMENDMENTS

1956—Act Aug. 3, 1956, authorized transfer of funds to local public agencies and provided that transfer of funds for services of technicians in formulating and carrying out agricultural programs from allotments for agricultural conservation payments within the State shall be subject to such limitations and conditions as may be provided in the appropriation or other law, and that funds so transferred may be placed in a single account for each State.

1936—Act June 24, 1936, authorized availability of funds for payments to committees or associations of producers to cover the estimated administrative expenses.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§ 590/. Expansion of domestic and foreign markets for agricultural commodities; advances for crop insurance; transfer of funds to corporation

(a) Market expansion and surplus disposition

Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (5) of section 590g(a) of this title, or will tend to provide for and maintain a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers, or both, he shall use such part as he deems necessary of the sums appropriated to carry out this chapter for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

(b) Advances for premiums

The Secretary is authorized to make advances to producers for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation. The Secretary shall remit the amount of any such advances to a producer directly to such Corporation in payment of the premium on the insurance for which the producer has made application. Advances shall only be made to producers who are participating or who agree to participate in a program formulated pursuant to section 590h of this title. Except as otherwise provided in this subsection, the terms and conditions of such advances shall be fixed by the Secretary. In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation.

(Apr. 27, 1935, ch. 85, §12, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Mar. 25, 1939, ch. 15, 53 Stat. 550; July 2, 1940, ch. 521, §1, 54 Stat. 727.)

AMENDMENTS

1940—Subsec. (b). Act July 2, 1940, inserted last sentence.

1939—Act Mar. 25, 1939, designated existing provisions as subsec. (a) and added subsec. (b).

TRANSFER OF FUNCTIONS

Administration of program of Federal Crop Insurance Corporation transferred to Secretary of Agriculture by

Reorg. Plan No. 3 of 1946, §501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h-4, 590m, 590n, 590p, 3811, 3821 of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§ 590m. Execution of powers of Secretary by Production and Marketing Administration

Notwithstanding the foregoing provisions of this chapter, the Secretary is authorized and directed to provide for the execution by the Production and Marketing Administration of such powers conferred upon him under sections 590g, 590h, 590i, and 590j to 590n of this title as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Production and Marketing Administration shall apply.

(Apr. 27, 1935, ch. 85, §13, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended 1946 Reorg. Plan No. 3, §501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

Production and Marketing Administration functions transferred to other units of Department of Agriculture under Secretary's memorandum 1320, supp. 4, of Nov. 2, 1953.

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Agriculture Adjustment Administration consolidated into Production and Marketing Administration by Secretary of Agriculture's Memorandum No. 1118, Aug. 18, 1945, which consolidation was ratified by 1946 Reorg. Plan No. 3, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h-4, 590n, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§ 590n. Payments reviewable only by Secretary; form of certificate

The facts constituting the bases for any payment or grant or the amount thereof authorized to be made under section 590g or 590h of this title, when officially determined in conformity with rules or regulations prescribed by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture. Payments to claimants under sections 590g, 590h, 590i, 590j to 590q, inclusive, of this title may be made upon the certificate of the claimant, which certificate shall be in such form as the Secretary of Agriculture may prescribe, that he has carried out the conservation practice or practices and has complied with all other requirements as conditions for such payments and that the statements and information contained in the application for payment are correct and true, to the best of his knowledge and belief, under the penalties of title 18.

(Apr. 27, 1935, ch. 85, §14, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Aug. 3, 1956, ch. 950, §6(a), 70 Stat. 1033.)

AMENDMENTS

1956—Act Aug. 3, 1956, inserted provisions relating to payments to be made to claimant upon his certificate, and form of such certificate.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Finality of payments and loans under this chapter, see section 1385 of Title 7.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h-4, 590p of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§ 590o. Authorization of appropriations; distribution of appropriated funds

To enable the Secretary of Agriculture to carry out the purposes of sections 590g and 590h of this title there is authorized to be appropriated for any fiscal year not exceeding \$500,000,000. The amount appropriated shall be available until expended. A specified amount or percentage of the appropriation shall be designated for long-term agreements based on farm and ranch conservation plans approved by local conservation districts, where such districts are organized. The Secretary shall distribute the funds available for financial assistance among the several States in accordance with their conservation needs, as determined by the Secretary.

Notwithstanding the foregoing provisions of this section and the provisions of section 590g(g) of this title, programs of soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices shall be based on a distribution

of the funds available for payments and grants among the several States in accordance with their conservation needs, as determined by the Secretary, except that the proportion allocated to any State shall not be reduced by more than 15 per centum from the distribution of such funds for the next preceding program year. In carrying out such programs, the Secretary shall give particular consideration to conservation problems on farm lands diverted from crops under acreage allotment programs and to the maintenance of a proper balance between soil conserving and soil depleting crops on the farm.

(Apr. 27, 1935, ch. 85, §15, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Feb. 16, 1938, ch. 30, title I, §104, 52 Stat. 35; Aug. 28, 1954, ch. 1041, title V, §502, 68 Stat. 908; Aug. 30, 1972, Pub. L. 92-419, title VI, §606(6), 86 Stat. 677; Sept. 29, 1977, Pub. L. 95-113, title XV, §1501(b), 91 Stat. 1020.)

AMENDMENTS

1977—Pub. L. 95-113 inserted provisions directing that appropriated funds be available until expended, that funds be made available for long-term agreements, and that the Secretary distribute the available funds among the several States in accordance with their conservation needs as determined by the Secretary and struck out provisions setting out a formula for determining the proper allocation of funds as between the various commodities and making reference to programs of soil-building practices, soil-conserving and water-conserving practices, and agricultural-related pollution prevention and abatement practices.

1972—Pub. L. 92-419 made provisions of last paragraph respecting distribution of funds applicable to programs of agriculture-related pollution prevention and abatement practices.

1954—Act Aug. 28, 1954, inserted last par.

1938—Act Feb. 16, 1938, inserted par. beginning “The funds available”.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

EFFECTIVE DATE OF 1938 AMENDMENT

Section 105 of act Feb. 16, 1938, as amended by section 1 of act Apr. 7, 1938, provided that the amendment made by that act, amending this section, “shall first be effective with respect to farming operations carried out in the calendar year 1938. Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this act. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938.”

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h, 590h-4, 590n, 590p of this title; title 7 sections 1292, 1301, 1388, 1391, 1392; title 12 section 1150a.

§ 590p. Limitation on obligations incurred; Great Plains conservation program

(a) General limitation

The obligations incurred for the purpose of carrying out, for any calendar year, the provisions of sections 590g, 590h, 590i, and 590j to 590n of this title shall not exceed \$500,000,000.

(b) Contracts with landowners in Great Plains area; purpose; timeliness; land use plans; costs; termination; wheat acreage; authorization of appropriations

Notwithstanding any other provision of law—

(1) The Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than September 30, 2001, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind or water erosion by reason of their soil types, terrain, and climatic, soil, topographic, flood, saline, other natural hazards, and other factors. The landowner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic, soil, topographic, flood, saline, and other natural hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. In-

clusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract;

(2) the Secretary may terminate any contract with a land owner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment

with respect to other similar conservation, land use, or commodity programs administered by the Secretary;

(3), (4) Repealed. Pub. L. 89-321, title VI, § 602(g), Nov. 3, 1965, 79 Stat. 1208.

(5) in applying the provisions of paragraph (6) of section 1340 of title 7, relating to the reduction of storage amount of wheat, any acreage diverted from the production of wheat under the program carried out under this subsection shall be regarded as wheat acreage;

(6) the Secretary shall utilize the technical services of agencies of the Department of Agriculture in determining the scope and provisions of any plan and the acceptability of the plan for effectuating the purposes of the program. In addition the Secretary shall take into consideration programs of State and local agencies, including soil conservation districts, having for their purposes the objectives of maximum soil and water conservation;

(7) there is hereby authorized to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided*, That the total cost of the program (excluding administrative costs) shall not exceed \$1,000,000,000, and for any program year payments shall not exceed \$50,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 590h(e) of this title, and may be distributed among States without regard to distribution of funds formulas of section 590o of this title. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this chapter or any other Act.

(c) 1961 agricultural conservation program

Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1961, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums to an approved conservation use and increase their average acreage devoted in 1959 and 1960 to designated soil conserving crops or practices by an equal amount: *Provided, however*, That any producer may elect in lieu of such payment to devote such diverted acreage to castor beans, safflower, sunflower, or sesame, if designated by the Secretary. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums in the crop years 1959 and 1960 or up to

twenty acres, whichever is greater. Such payments in cash or in kind at the basic county support rate may be made on an amount of corn and grain sorghums not in excess of 50 per centum of the normal production of the acreage diverted from corn and grain sorghums on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. Payments in kind only may be made by the Secretary for the diversion of up to an additional 20 per centum of such corn and grain sorghum acreage. Payments in kind on such additional acreage may be made at the basic county support rate on an amount of corn and grain sorghums not in excess of 60 per centum of the normal production of the acreage diverted from corn and grain sorghums on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, and topography. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

(2) There are authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1961, and to pay such costs as may be included in carrying out section 3 of the Act which added this subsection to this Act.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(d) 1962 agricultural conservation program

Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1962, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conservation crops or practices including summer fallow and idle land by an equal amount: *Provided*, That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be

grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage. In order to be eligible for a payment a producer (other than a producer of malting barley as described in section 1444b(c)(4) of title 7, or a producer of barley on a summer-fallow farm as described in such section) who participates in the special agricultural conservation program of 1962 for corn and grain sorghums must not knowingly devote an acreage on the farm in excess of the average acreage devoted on the farm to barley in 1959 and 1960, and a producer who participates in the special agricultural conservation program for 1962 for barley must not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960. The excess, if any, of the acreage devoted to barley in 1962 on a summer-fallow farm as described in section 1444b(c)(4) of title 7 over the average acreage devoted to barley on such farm in 1959 and 1960 shall be considered as planted to corn and grain sorghums for the purpose of determining extent of participation and payments under the special agricultural conservation program for 1962 for corn and grain sorghums. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960 or up to twenty acres, whichever is greater. Such payments in cash or in kind at the basic county support rate for the 1961 crop in effect at the time payment rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for the 1961 and 1962 crops may be made on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. Payments in kind only may be made by the Secretary for the diversion of up to an additional 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960. Payments in kind on such additional acreage may be made at the basic county support rate for the 1961 crop in effect at the time payment rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for

the 1961 and 1962 crops on an amount of corn and grain sorghums, or barley, not in excess of 60 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

(2) There are authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1962, and to pay such costs as may be incurred in carrying out section 133 of the Agricultural Act of 1961.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(e) Changes in cropping systems and land uses; agreements with retired resident landowners; land uses; safeguards; modification of prior agreements; regulations; transfer of funds; authorization of appropriations

(1)(A) For the purpose of promoting the conservation and economic use of land and of assisting farmers who because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue living on their farms, the Secretary, without regard to the foregoing provisions of this chapter, except those relating to the use of the services of State and local committees, is authorized to enter into agreements during the calendar years 1971, 1972, and 1973, to be carried out during such period not to exceed ten years as he may determine, with farm and ranch owners and operators providing for changes in cropping systems and land uses and for practices or measures to be carried out primarily on any lands owned or operated by them and regularly used in the production of crops (including crops such as tame hay, alfalfa, and clovers, which do not require annual tillage, and including lands covered by conservation reserve contracts under subtitle B of the Soil Bank Act) for the purpose of conserving and developing soil, water, forest, wildlife, and recreation resources. Such agreements shall include such terms and conditions as the Secretary may deem desirable to effectuate the purposes of this subsection and may provide for payments, the furnishing of materials and services, and other

assistance in amounts determined by the Secretary to be fair and reasonable, in consideration of the obligations undertaken by the farm and ranch owners and operators and the rights acquired by the Secretary: *Provided*, That any agreements entered into under this section after July 1, 1970, shall prohibit grazing of such acreage.

(B) Such acreage may be devoted to approved wildlife food plots or fish and wildlife habitat which are established in conformity with standards developed by the Secretary in consultation with the Secretary of the Interior, and the Secretary may compensate producers for such practices. The Secretary may also provide for payment in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit access, without other compensation, to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of the Interior shall appoint an Advisory Board consisting of citizens knowledgeable in the fields of agriculture and wildlife with whom he may consult on the wildlife practice phase of programs under this subsection, and the Secretary may compensate members of the Board and reimburse them for per diem and traveling expenses. The Secretary shall invite the several States to participate in wildlife phases of programs under this subsection by assisting the Department of Agriculture in developing guidelines for (a) providing technical assistance for wildlife and habitat improvement practices, (b) reviewing applications of farmers for the public land use option and selecting eligible areas based on desirability of wildlife habitat, (c) determining accessibility, (d) evaluating effects on surrounding areas, (e) considering esthetic values, (f) checking compliance by cooperators, and (g) carrying out programs of wildlife stocking and management on the acreage set aside. The Secretary shall consult with the Secretary of the Interior regarding regulations to govern the administration of those aspects of this subparagraph (B) that pertain to wildlife. Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this subparagraph and in administering such assistance.

(2) No agreement shall be entered into under this subsection covering land with respect to which the ownership has changed in the two year period preceding the first year of the contract period unless (a) the new ownership was acquired by will or succession as a result of the death of the previous owner, (b) the land becomes a part of an existing farm or ranch, or (c) the land is combined with other land as a farming or ranching enterprise which the Secretary determines will effectuate the purposes of the program: *Provided*, That this provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this subsection. The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was

acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain.

(3) The Secretary shall provide adequate safeguards to protect the farming opportunities and interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under this subsection.

(4) The Secretary may agree to such modification of agreements previously entered into as he may determine to be desirable to carry out the purposes of this subsection or to facilitate the practical administration of the program carried out pursuant to this subsection. Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.

(5) The Secretary shall issue such regulations as he determines necessary to carry out the provisions of this subsection. The Secretary may if he determines that such action will contribute to the effective and equitable administration of the program use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements. The total acreage placed under agreements in any county or local community shall be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community.

(6) For the purpose of obtaining an increase in the permanent retirement of cropland to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in rural areas in acquiring cropland for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions consistent with and at costs not greater than those under agreements entered into with producers, provided the Secretary determines that the purpose of the program will be accomplished by such action. The Secretary also is authorized to share the cost with State and local governmental agencies and other Federal agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action. No appropriation shall be made for any agreement under this paragraph (6) involving an estimated total Federal payment in excess of \$250,000 unless such agreement has been approved by resolution adopted by the Committee on Agriculture of the House of Representatives and the Committee on

Agriculture, Nutrition, and Forestry of the Senate.

(7) There is authorized to be appropriated such sums as may be necessary to carry out this subsection. The Secretary is authorized to utilize the facilities, services, authorities, and funds of the Commodity Credit Corporation in discharging his functions and responsibilities under this subsection including payment of costs of administration for the program authorized under this subsection: *Provided*, That after June 30, 1972, the Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this subsection unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection. In carrying out the program, the Secretary shall not during any of the fiscal years ending June 30, 1971, through June 30, 1973, or during the period June 30, 1973, to December 31, 1973, (A) enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of \$10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years, or (B) enter into agreements with States or local agencies under paragraph (6) which would require payments to such State or local government agencies in any calendar year under such agreements in excess of \$10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years. For purposes of applying the foregoing limitations, the annual payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made.

(f) Use of Commodity Credit Corporation in producer disbursements

The Secretary is authorized to use the services, facilities, and authorities of Commodity Credit Corporation for the purpose of making disbursements to producers under programs formulated pursuant to section 590h of this title and subsection (e) of this section: *Provided*, That no such disbursements shall be made by Commodity Credit Corporation unless it has received funds to cover the amount thereof from appropriations available for the purpose of carrying out such programs.

(g) 1963 agricultural conservation program

Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1963, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn, grain sorghums, and barley to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount: *Provided*, That the

Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn, grain sorghums, and barley in the crop years 1959 and 1960 or up to twenty-five acres, whichever is greater. Payments in kind only may be made by the Secretary for the diversion of up to an additional 30 per centum of the average acreage on the farm planted to corn, grain sorghums, and barley, in the crop years 1959 and 1960. Payments may be made at the basic county support rate for the 1962 crop in effect at the time payment rates for the special feed grain program for 1963 are established, adjusted to reflect any changes between the national support rates for the 1962 and 1963 crops on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. The Secretary may also make such adjustments in yields as he determines necessary to reflect any increases in yields since the 1959 and 1960 crop years as the result of the adoption or the improvement of an irrigation system if such improvement or adoption of such irrigation system was made prior to the effective date of this sentence but such adjustment in yields shall apply only to payments with respect to acreage diverted pursuant to the requirements of section 1444b(c)(6) of title 7. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance. Notwithstanding any other provision of this sub-

section (g)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 1444b(c)(6) of title 7 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

(2) There are authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1963, and to pay such costs as may be incurred in carrying out section 303 of the Food and Agriculture Act of 1962.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(h) 1964 and 1965 feed grain crops; acreage diversion program; maximum reserves; authorization of appropriations; regulations; payments in kind; termination or modification of prior agreements

Notwithstanding any other provision of law—

(1) For the 1964 crop and the 1965 crop of feed grains, if the Secretary determines that the total supply of feed grains will, in the absence of an acreage diversion program, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet any national emergency, he may formulate and carry out an acreage diversion program for feed grains, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of feed grains to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall not be made in amounts in excess of 50 per centum of the estimated basic county support rate, including that part of the support price made available through payments in kind, on the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, and flax, if he determines that such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the conditions that payment with

respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses, and no price support shall be made available for the production of any such crop on such diverted acreage. The base period for the purpose of determining the adjusted average yield in the case of payments with respect to the 1964 crop shall be the four-year period 1959–1962, and in the case of payments with respect to the 1965 crop shall be the five-year period 1959–1963. The term “feed grains” means corn, grain sorghums, barley, and, if for any crop the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 1339c of title 7 the term “feed grains” shall include oats and rye: *Provided*, That acreages of corn, grain sorghums, and barley shall not be planted in lieu of acreages of oats and rye: *Provided further*, That the acreage devoted to the production of wheat shall not be considered as an acreage of feed grains for purposes of establishing the feed grain base acreage for the farm for subsequent crops. Such feed grain diversion program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to feed grains in the crop years 1959 and 1960 or twenty-five acres, whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments shall be made in kind. The average acreage of wheat produced on the farm during the crop years 1959, 1960, and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, in excess of the small farm base acreage for wheat established under section 1335 of title 7, shall be considered as an acreage of feed grains produced in the crop years of 1959 and 1960 for purposes of establishing the feed grain base acreage for the farm, and the rate of payment for diverting such wheat shall be an amount determined by the Secretary to be fair and reasonable in relation to the rates of payment for diverting feed grains. The Secretary may make such adjustments in acreage and yields as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm, such acreages and yields shall be used in making determinations. Notwithstanding any other

provision of this subsection (l)(1),¹ the Secretary may, upon unanimous request of the State committee established pursuant to section 590h(b) of this title, adjust the feed grain bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable feed grain bases for farms within such State or county. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance: *Provided*, That in no event shall the Secretary in the crop years 1964 or 1965 make payments to any producers under this subsection and under section 1444b(d) of title 7 in excess of 20 per centum of the fair market value of any acreage involved. Notwithstanding any other provision of this subsection (h)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 1444b(d) of title 7 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: Suitability of the land for the production of feed grains, the past experience of the farm operator in the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the feed grain base is established.

(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection.

(4) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(5) Payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains and, notwithstanding any other provision of law, the Commodity Credit

Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price, minus that part of the current support price made available through payments in kind, plus reasonable carrying charges.

(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of feed grains.

(i) 1966 to 1970 feed grain crops; acreage diversion program; maximum reserves; authorization of appropriations; regulations; payments in kind; termination or modification of prior agreements

Notwithstanding any other provision of law—

(1) For the 1966 through 1970 crops of feed grains, if the Secretary determines that the total supply of feed grains will, in the absence of an acreage diversion program, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet any national emergency, he may formulate and carry out an acreage diversion program for feed grains, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments shall be made to producers who divert acreage from the production of feed grains to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall be made at such rate or rates as the Secretary determines will provide producers with a fair and reasonable return for the acreage diverted, but not in excess of 50 per centum of the estimated basic county support rate, including the lowest rate of payment-in-kind, on the normal production of the acreage diverted from the commodity on the farm based on the farm projected yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit all or any part of such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, and flaxseed, if he determines that such production of the commodity is needed to provide

¹ So in original. There is no subsection (l)(1); probably should be "subsection (h)(1)".

an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which otherwise would be applicable if such acreage were devoted to conservation uses. The term "feed grains" means corn, grain sorghums, and, if designated by the Secretary, barley, and if for any crop the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 1339c of title 7, the term "feed grains" shall include oats and rye and barley if not designated by the Secretary as provided above: *Provided*, That acreages of corn, grain sorghums, and, if designated by the Secretary, barley, shall not be planted in lieu of acreages of oats and rye and barley if not designated by the Secretary as provided above: *Provided further*, That the acreage devoted to the production of wheat shall not be considered as an acreage of feed grains for purposes of establishing the feed grain base acreage for the farm for subsequent crops. Such feed grain diversion programs shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to feed grains in the crop years 1959 and 1960 or twenty-five acres, whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments shall be made in kind. The acreage of wheat produced on the farm during the crop years 1959, 1960, and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, in excess of the small farm base acreage for wheat established under section 1335 of title 7, may be taken into consideration in establishing the feed grain base acreage for the farm. The Secretary may make such adjustments in acreage as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. Notwithstanding any other provision of this subsection (i)(1), the Secretary may, upon unanimous request of the State committee established pursuant to section 590h(b) of this title, adjust the feed grain bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable feed grain bases for farms within such State or county. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance. Notwithstanding

any other provision of this subsection, barley shall not be included in the program for a producer of malting barley exempted pursuant to section 1444b(e) of title 7, who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total feed grain base for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: Suitability of the land for the production of feed grains, the past experience of the farm operator in the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the feed grain base is established.

(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection.

(4) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(5) Payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains in accordance with regulations prescribed by the Secretary and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price made available through loans and purchases, plus reasonable carrying charges.

(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of feed grains.

(j) Design of resource management system

In the design and preparation of resource management systems under this section, the Sec-

retary shall, where practicable, substitute more intensive management measures for structural measures.

(k) Collection and maintenance of data

The Secretary shall collect and maintain data on a national and State by State basis concerning the resource, environmental and economic consequences of the assistance and applications provided under this section.

(Apr. 27, 1935, ch. 85, §16, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Aug. 7, 1956, ch. 1030, §1, 70 Stat. 1115; Sept. 14, 1960, Pub. L. 86-793, §1, 74 Stat. 1030; Mar. 22, 1961, Pub. L. 87-5, §2, 75 Stat. 6; Aug. 8, 1961, Pub. L. 87-128, title I, §132, title IV, §401, 75 Stat. 302, 319; Mar. 30, 1962, Pub. L. 87-425, §2, 76 Stat. 50; May 15, 1962, Pub. L. 87-451, §4, 76 Stat. 70; Sept. 27, 1962, Pub. L. 87-703, title I, §101(4), (5), title III, §302, 76 Stat. 606, 612; May 20, 1963, Pub. L. 88-26, §3, 77 Stat. 45; Nov. 3, 1965, Pub. L. 89-321, title III, §302, title VI, §602(g), 79 Stat. 1190, 1208; Oct. 11, 1968, Pub. L. 90-559, §1(1), 82 Stat. 996; Nov. 18, 1969, Pub. L. 91-118, §§1-3, 83 Stat. 194, 195; Nov. 30, 1970, Pub. L. 91-524, title VIII, §801, 84 Stat. 1379; June 6, 1980, Pub. L. 96-263, §1, 94 Stat. 438; Nov. 28, 1990, Pub. L. 101-624, title XIV, §1455, 104 Stat. 3614; Nov. 2, 1994, Pub. L. 103-437, §6(s), 108 Stat. 4587.)

REFERENCES IN TEXT

Section 3 of the Act which added this subsection to this Act, referred to in subsec. (c)(2), means section 3 of Pub. L. 87-5 which is classified as a note under this section.

Sections 1444b(c)(4), 1444b(c)(6), 1444b(d), and 1444b(e) of title 7, referred to in subsecs. (d)(1), (g)(1), (h)(1), and (i)(1), respectively, refer to provisions of section 1444b of title 7 prior to the general amendment of section 1444b by Pub. L. 91-524, title V, §501, Nov. 30, 1970, 84 Stat. 1368.

Section 133 of the Agricultural Act of 1961, referred to in subsec. (d)(2), is section 133 of Pub. L. 87-128, which is set out as a note under this section.

Subtitle B of the Soil Bank Act, referred to in subsec. (e)(1)(A), which was formerly classified to subchapter III (§1831 et seq.) of chapter 45 of Title 7, Agriculture, was repealed by Pub. L. 89-321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206.

Section 303 of the Food and Agriculture Act of 1962, referred to in subsec. (g)(2), is section 303 of Pub. L. 87-703, which is set out as a note under this section.

Section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, referred to in subsecs. (h)(1) and (i)(1), refers to provisions relating to exempted acreage, conditions for the exemption and effect of noncompliance therewith, which were eliminated in the 1962 Amendment of section 1335 of Title 7, Agriculture, by section 315 of Pub. L. 87-703.

AMENDMENTS

1994—Subsec. (e)(6). Pub. L. 103-437 substituted “Agriculture, Nutrition, and Forestry” for “Agriculture and Forestry”.

1990—Subsec. (b)(1). Pub. L. 101-624, §1455(a)(1), substituted “2001” for “1991”.

Subsec. (b)(7). Pub. L. 101-624, §1455(a)(2), substituted “\$1,000,000,000” for “\$600,000,000”.

Subsecs. (j), (k). Pub. L. 101-624, §1455(b), added subsecs. (j) and (k).

1980—Subsec. (b)(1). Pub. L. 96-263, §1(1), inserted provisions incorporating into contracts and plan applicability and determinations respecting soil, topographic, flood, saline, and other hazards, and substituted “September 30, 1991” for “December 31, 1981”.

Subsec. (b)(7). Pub. L. 96-263, §1(2), substituted “\$600,000,000” for “\$300,000,000”, and “\$50,000,000” for “\$25,000,000”.

1970—Subsec. (e)(1). Pub. L. 91-524, §801(1)–(5), designated existing provisions as subpar. (A), inserted provisions covering assistance to retired farmers to the enumerated purposes, inserted provisions limiting to calendar years 1971, 1972, and 1973 the Secretary’s authority to enter into agreements, substituted provisions requiring that agreements entered into after July 1, 1970, prohibit grazing on the acreage for provisions prohibiting annual payments for periods in excess of five years under agreements which provide for the establishment of the tree cover, and added subpar. (B).

Subsec. (e)(2). Pub. L. 91-524, §801(6), authorized producers to place farms in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced through the exercise of the right of eminent domain.

Subsec. (e)(3). Pub. L. 91-524, §801(12), inserted “farming opportunities and” before “interests of tenants and sharecroppers”.

Subsec. (e)(4). Pub. L. 91-524, §801(7), authorized the termination of agreements by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.

Subsec. (e)(5). Pub. L. 91-524, §801(8), authorized the Secretary to use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements and inserted provision for a percentage limitation on the total acreage placed under agreement in any county or local community.

Subsec. (e)(6). Pub. L. 91-524, §801(9), added par. (6). A prior par. (6) was repealed by Pub. L. 89-321 in 1965.

Subsec. (e)(7). Pub. L. 91-524, §801(10), (11), substituted “June 30, 1972” for “June 30, 1963” as the date after which the Commodity Credit Corporation may not make expenditures unless it has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection, extended through Dec. 31, 1973, the period during which the Secretary may not enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of \$10,000,000, and inserted provisions covering agreements with State and local agencies under par. (6).

1969—Subsec. (b)(1). Pub. L. 91-118, §1, extended the Great Plains conservation program ten years beyond Dec. 31, 1971, to Dec. 31, 1981; authorized contracts, with respect to lands other than farms or ranches, only where erosion is so serious as to make such contracts necessary for protection of farms or ranch lands; authorized contracts designed to make changes (in cropping systems or land uses) needed to develop, protect, and utilize the resources of farms, ranches, and other lands; provided for carrying out the practices needed under such changed systems and uses and conservation measures on land other than farm or ranch land; authorized practices and measures in the plan for enhancing fish and wildlife and recreation resources, promoting economic use of land, and reducing or controlling agricultural related pollution as an exclusive decision of the land owner or operator; made the basis for contracts the approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated; and among other changes in the text preceding cl. (i), substituted “owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands” for “producers in the Great Plains area determined by him to have control for the contract period of the farm or ranches”, “designed to assist farm, ranch, or other land-owners or operators” for “designed to assist farm and ranch operators”, “cropping systems or land uses” and “cropping systems or land use” for “cropping systems and land uses” and “cropping systems and land uses”, respectively, “landowner or operator shall furnish to the Secretary a plan of farming operations or land use” for “producer shall

furnish to the Secretary a plan of farming operations", "climatic hazards of the area in which such land" for "climatic hazards of the area in which the farm"; provided for the agreement to be by the land owner or operator rather than the producer; included in cl. (i) effectuation of the plan for other land; inserted in cl. (ii) "after considering the recommendations of the soil and water conservation district board," and substituted "violation by the owner or operator" for "producer's violation"; included in cl. (iii) right and interest in other land and substituted "any such land" for "the farm or ranch"; and in par. following par. (1) substituted "landowner or operator" for "producer" and inserted "and measures" after "conservation practices" in two places.

Subsec. (b)(2). Pub. L. 91-118, §2, substituted "land owner or operator" and "owner or operator" for "producer" and authorized the Secretary to agree to such modification of contracts previously entered into as he may determine to be desirable to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary.

Subsec. (b)(7). Pub. L. 91-118, §3, increased the limitation on total cost of the program from \$150,000,000 to \$300,000,000.

1968—Subsec. (i)(1). Pub. L. 90-559 provided for a one-year extension through 1970.

1965—Subsec. (b). Pub. L. 89-321, §602(g), repealed pars. (3) and (4) dealing with decrease of cropland during the period of a contract and use of land for permanent vegetation in determining acreage allotments.

Subsec. (e). Pub. L. 89-321, §602(g), repealed par. (6) providing for inclusion of agreements covering preservation of cropland and surrender of history and allotments in agreements entered hereunder.

Subsec. (i). Pub. L. 89-321, §302, added subsec. (i).

1963—Subsec. (h). Pub. L. 88-26 added subsec. (h).

1962—Subsec. (d)(1). Pub. L. 87-451 extended the crops which may be grown on diverted acreage to include other annual field crops for which price support is not made available and flax, when such crops are not in surplus supply and will not be in surplus supply when grown on the diverted acreage, and prescribed the rate of payment and its limits.

Pub. L. 87-425 preserved the eligibility of a producer on a summer-fallow farm for participation in the special agricultural conservation program of 1962 for corn and grain sorghums, deeming any excess of acreage devoted to barley in 1962 over the average acreage devoted to barley in 1959 and 1960 as planted to corn and grain sorghums.

Subsec. (e). Pub. L. 87-703, §101(4), added subsec. (e).

Subsec. (f). Pub. L. 87-703, §101(5), added subsec. (f).

Subsec. (g). Pub. L. 87-703, §302, added subsec. (g).

1961—Subsec. (b)(1). Pub. L. 87-128, §401, substituted "may be entered into" and "with respect to" for "shall be in effect" and "on", respectively, in third sentence.

Subsec. (c). Pub. L. 87-5 added subsec. (c).

Subsec. (d). Pub. L. 87-128, §132, added subsec. (d).

1960—Subsec. (b)(3). Pub. L. 86-793, §1(1), provided that cropland acreage is not to be decreased by reason of maintaining changes in land use from cultivated cropland to permanent vegetation, carried out under any contract heretofore or hereafter entered into, for such period after the expiration of the contract as is equal to the period of the contract.

Subsec. (b)(4). Pub. L. 86-793, §1(2), included as acreage devoted to the commodity, that acreage changed from cultivated cropland to permanent vegetation under any contract heretofore or hereafter entered into, and which is maintained as such after expiration of the contract for a period equal to that of the contract.

1956—Act Aug. 7, 1956, designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1980 AMENDMENT

Section 2 of Pub. L. 96-263 provided that: "This Act [amending this section] shall become effective October 1, 1980."

SAVINGS PROVISION

Section 602(g) of Pub. L. 89-321 [which repealed subsecs. (b)(3), (4) and (e)(6) of this section] provided in part that all rights accruing under repealed subsecs. (b)(3), (4) and (e)(6) of this section to persons who entered into contracts or agreements prior to such repeal shall be preserved.

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

PAYMENTS IN CASH AND KIND UNDER 1963 FEED GRAIN PROGRAM

Section 303 of Pub. L. 87-703 authorized the Commodity Credit Corporation to make payments in cash under the 1963 feed grain program and also authorized payments in kind through the issuance of negotiable certificates redeemable for feed grains and valued at not less than the support price minus that part of the support price made available through payments in kind, and further authorized the Corporation, in accordance with regulations prescribed by the Secretary, to assist the producer in marketing the certificates in order to effectuate the purposes of the program. Except for certificates presented for redemption within thirty days of their date of issuance, reasonable storage costs and carrying charges, as determined by the Secretary, for the period beginning thirty days after their issuance and ending with the presentation date were to be deducted from the value of the certificate.

PAYMENTS IN CASH AND KIND UNDER 1962 FEED GRAIN PROGRAM

Section 133 of Pub. L. 87-128 authorized the Commodity Credit Corporation to make payments in cash under the 1962 feed grain program and also authorized payments in kind through the issuance of negotiable certificates redeemable for feed grains, and further authorized the Corporation, in accordance with regulations prescribed by the Secretary, to assist the producer in marketing the certificates in order to effectuate the purposes of the program. Except for certificates presented for redemption within thirty days of their date of issuance, reasonable storage costs and carrying charges, as determined by the Secretary, for the period beginning thirty days after their issuance and ending with the presentation date were to be deducted from the value of the certificate.

PAYMENTS IN KIND UNDER 1961 FEED GRAIN PROGRAM

Section 3 of Pub. L. 87-5 authorized payment in kind under the 1961 feed grain program through the issuance of negotiable certificates redeemable for feed grains, and also authorized the Corporation, in accordance with regulations prescribed by the Secretary, to assist the producer in the marketing of the certificates in order to effectuate the purposes of the program. Except for certificates presented for redemption within thirty days of their date of issuance, reasonable storage costs and carrying charges, as determined by the Secretary, for the period beginning thirty days after their issuance and ending with the presentation date were to be deducted from the value of the certificate.

LIMITATION IN EMERGENCY ON PARTICIPATION IN 1963 FEED GRAIN CONSERVATION PROGRAM

Section 304 of Pub. L. 87-703 authorized Secretary to limit participation of producers in 1963 feed grain con-

servation program, if necessary because of an emergency created by drought or other disaster, or where necessary to prevent or alleviate a shortage in supply of corn, grain sorghums, or barley.

LIMITATION IN EMERGENCY ON PARTICIPATION IN 1962
FEED GRAIN CONSERVATION PROGRAM

Section 134 of Pub. L. 87-128 authorized Secretary to limit participation of producers in 1962 feed grain conservation program, if necessary because of an emergency created by drought or other disaster, or where necessary to prevent or alleviate a shortage in supply of corn, grain sorghums, or barley.

REPORT TO CONGRESS

Section 4 of Pub. L. 87-5 directed Secretary, not later than 90 days after Mar. 22, 1961, to submit to Congress a detailed report, including estimates where final figures are not available, setting forth but not limited to the number and percent of cooperators under Pub. L. 87-5, the acreage retired from production by States, the cash payments made, the quantity and kind of feed grains made available under the payment-in-kind provisions of the Act and the value thereof, the overall cost of the program, the estimated savings compared with the program in effect before Pub. L. 87-5, became effective, and such other information as will indicate the progress, cost, and reduction of surpluses under Pub. L. 87-5.

DIVERSION PROGRAMS: GOOD FAITH PERFORMANCE;
PAYMENTS

Performance in good faith as meeting requirements of subsecs. (c), (d), and (g) of this section and authorizing payments, see section 1339a of Title 7, Agriculture.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see section 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h, 590h-4, 590n, 590q-3, 1501, 2106a, 3811, 3821 of this title; title 7 sections 1388, 1391, 1392, 6962; title 12 section 1150a; title 26 section 126.

§ 590p-1. Limitation on wetlands drainage assistance to aid wildlife preservation; termination of limitation; redetermination of need for assistance upon change of ownership of lands

The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this chapter, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limi-

tation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.

(Apr. 27, 1935, ch. 85, §16A, as added Oct. 2, 1962, Pub. L. 87-732, 76 Stat. 696.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590h of this title.

§ 590q. Coverage; "State" defined; short title

(a) This chapter shall apply to the States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, and, as used in this chapter, the term "State" includes Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

(b) This chapter may be cited as the "Soil Conservation and Domestic Allotment Act".

(Apr. 27, 1935, ch. 85, §17, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended July 26, 1947, ch. 339, §2, 61 Stat. 494; June 25, 1959, Pub. L. 86-70, §13(b), 73 Stat. 143; July 12, 1960, Pub. L. 86-624, §8(b), 74 Stat. 412; Oct. 5, 1984, Pub. L. 98-454, title VI, §601(d), 98 Stat. 1736.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454 inserted reference to Guam, American Samoa, and the Northern Mariana Islands in two places.

1960—Subsec. (a). Pub. L. 86-624 substituted "States, the Commonwealth of Puerto Rico" for "States, the Territory of Hawaii, and the possessions of Puerto Rico", and struck out "Hawaii" from definition of "State".

1959—Subsec. (a). Pub. L. 86-70 substituted "the States, the Territory of Hawaii," for "the United States, the Territories of Alaska and Hawaii", and struck out "Alaska," after "the term 'State' includes".

1947—Subsec. (a). Act July 26, 1947, included the Virgin Islands.

REPEALS

Section 3 of act July 26, 1947, repealed all laws in conflict therewith.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h, 590h-4, 590n of this title; title 7 sections 1388, 1391, 1392; title 12 section 1150a.

§ 590q-1. Sale and distribution of supplies, materials, and equipment to other Government agencies; reimbursement

The Soil Conservation Service subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], may sell and dis-

tribute supplies, materials, and equipment to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment.

(Sept. 21, 1944, ch. 412, title III, §302(b), 58 Stat. 738; Oct. 31, 1951, ch. 654, §2(12), 65 Stat. 707.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of Government property are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

CODIFICATION

Section was enacted as part of the Department of Agriculture Organic Act of 1944, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended.

§ 590q-2. Voluntary relinquishment of allotments

Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

(Pub. L. 91-524, title VIII, §803, Nov. 30, 1970, 84 Stat. 1381.)

CODIFICATION

Section was enacted as part of the Agriculture Act of 1970, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

§ 590q-3. Critical lands resource conservation program in Great Plains area

Notwithstanding any other provision of law—

(a) Authorization for program

The Secretary of Agriculture is authorized to formulate and carry out a program with owners and operators of land in the Great Plains area as described in section 590p(b) of this title to reduce runoff, soil and water erosion, and otherwise to promote the conservation of soil and water resources in such area through the conversion of cropland from soil depleting uses to conserving uses including the production of soil conserving cover crops.

(b) Terms of agreements with owners or operators

To effectuate the purposes of the program, the Secretary may enter into an agreement for a two-year period with an owner or operator as described in subsection (a) of this section whereby the owner or operator shall agree to devote to a soil conserving cover crop a specifically designated acreage of cropland on the farm up to 50

per centum of the acreage which had been planted to any soil depleting crop or crops in any of the two years preceding the date of the agreement. The agreement shall be renewable for annual periods thereafter subject to the mutual agreement of the owner or operator and the Secretary. In such agreement, the owner or operator shall agree (1) to plant a legume, or if not adapted to such area, an annual, biennial, or a perennial cover crop, as specified in the agreement; (2) to divert from production such portion of one or more crops designated by the Secretary as the Secretary determines necessary to effectuate the purpose of the program; (3) not to harvest any crop from or graze the designated acreage during the agreement period, unless the Secretary determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing or harvesting subject to an appropriate reduction in the rate of payment; (4) to give adequate assurance, as specified by the Secretary, that the land was not acquired for the purpose of placing it in the program; *Provided*, That the foregoing provision shall not prohibit the continuation of an agreement by a new owner if an agreement has once been entered into under this section nor prevent an owner or operator from placing a farm in the program if the farm was acquired by the owner to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain; (5) to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder upon his violation of the agreement at any stage during the time he has control of the land if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if the Secretary determines that the violation by the owner or operator does not warrant termination of the agreement; (6) upon transfer of his right and interest in the farm, during the agreement period, to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement; (7) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and (8) to such additional provisions as the Secretary determines are desirable to effectuate the purposes of the program or to facilitate the practical administration of the program, including such measures as the Secretary may deem appropriate to keep the designated acreage from eroding and free from weeds and rodents in accordance with good conservation systems.

(c) Annual adjustment payments

In consideration for such agreement, the Secretary shall make annual adjustment payments to the owner or operator for the period of the agreement at such rate or rates not in excess of

\$30 per acre as the Secretary determines to be fair and reasonable. The Secretary may use an advertising and bid procedure in determining the lands in any area to be covered by agreements and the payment rate therefor. The Secretary and the owner or operator may agree that the annual adjustment payments for the agreement period shall be made either upon approval of the agreement or in such installments as they may agree to be desirable: *Provided*, That for each year any annual adjustment payment is made in advance of performance, the annual adjustment payment shall be reduced by 5 per centum.

(d) Termination of agreements

The Secretary may terminate any agreement under the program, by mutual agreement with the owner or operator, if the Secretary determines that such termination would be in the public interest, and may agree with the owner or operator to such modification of agreements as the Secretary may determine to be desirable to carry out the purposes of the program or facilitate its administration.

(e) Preservation of cropland, crop acreage, and allotment history

The Secretary may, to the extent the Secretary deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops to establish vegetative cover for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

(f) Utilization of Federal and non-Federal offices

In carrying out the program, the Secretary shall utilize the services of local, county, and State committees established under section 590h of this title and the technical services of the Soil Conservation Service and soil and water conservation districts.

(g) Program payments

In case any producer who is entitled to any payment under the program dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable.

(h) Tenants and sharecroppers

The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

(i) Rules and regulations

The Secretary shall prescribe such regulations as the Secretary determines necessary to carry out the provisions of this section.

(j) Authorization of appropriations; utilization of Commodity Credit Corporation

There are authorized to be appropriated for the period beginning October 1, 1977, and ending September 30, 1981, such sums as may be nec-

essary to carry out the program provided for in this section. The Secretary is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation in discharging the Secretary's functions and responsibilities under the program, including payment of costs of administration: *Provided*, That the Commodity Credit Corporation shall not make any expenditures for such purposes unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this section.

(Pub. L. 95-113, title XV, §1511, Sept. 29, 1977, 91 Stat. 1022.)

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1977, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of Title 7, Agriculture.

CHAPTER 3C—WATER CONSERVATION

SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION

Sec.
590r to 590x-4. Repealed.

SUBCHAPTER II—CONSERVATION AND UTILIZATION PROJECTS

- 590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs.
- 590z. Utilization of services, materials, funds, etc., of Federal, State, or municipal agencies, or of individuals.
- 590z-1. Prerequisites for construction of project.
 - (a) Investigation and report to President.
 - (b) Construction of physical features.
 - (c) Division of project.
- 590z-2. Repayment contracts.
 - (a) Necessity.
 - (b) "Reimbursable construction costs" defined.
 - (c) Terms.
- 590z-3. Settlement of projects on agricultural basis.
 - (a) Rehabilitation; stabilization of agricultural economy; maximum utilization of funds.
 - (b) Utilization of other agencies.
 - (c) Advertisement for purchases or services.
- 590z-4. Cooperative agreements with other agencies.
- 590z-5. Repealed.
- 590z-6. Disposition of receipts from repayment contracts and project operations.
- 590z-7. Provisions for furnishing surplus power and municipal or miscellaneous water supplies.
- 590z-8. Authority of Secretary of the Interior over lands, contracts, water rights, etc.
 - (a) Utilization of lands.
 - (b) Contracts, land acquisitions, etc.
- 590z-9. Powers and duties of Secretaries of the Interior and Agriculture; rules and regulations.
- 590z-10. Authorization of appropriations.
- 590z-11. Delegation of powers and duties by Secretary of the Interior.

SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION

§§ 590r to 590x-4. Repealed. Pub. L. 87-128, title III, §341(a), Aug. 8, 1961, 75 Stat. 318

Section 590r, acts Aug. 28, 1937, ch. 870, §1, 50 Stat. 869; Aug. 17, 1954, ch. 751, §1(1), (2), 68 Stat. 734; July 12,